

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

NIPPON SHINYAKU CO., LTD.,)	
Plaintiff,)	
)	C.A. No. 21-1015 (GBW)
)	
v.)	DEMAND FOR JURY TRIAL
)	
SAREPTA THERAPEUTICS, INC.,)	
Defendant.)	
SAREPTA THERAPEUTICS, INC. and THE)	
UNIVERSITY OF WESTERN AUSTRALIA,)	
Defendant/Counter-Plaintiffs,)	
)	
v.)	
)	
NIPPON SHINYAKU CO., LTD. and NS)	
PHARMA, INC.,)	
Plaintiff/Counter-Defendants.)	

**NS’S MOTION FOR SUMMARY JUDGMENT NO. 1 -
INVALIDITY OF THE UWA PATENTS**

Pursuant to Federal Rule of Civil Procedure 56, Plaintiff/Counter-Defendant Nippon Shinyaku Co., Ltd. and Counter-Defendant NS Pharma, Inc. (collectively, “NS”) hereby move for summary judgment regarding its claim for declaratory judgment of invalidity of the UWA Patents and defense of invalidity against Defendant Sarepta Therapeutics’ and Counter-Plaintiff UWA’s claims of infringement of the UWA Patents (Claim II of the Second Amended Complaint, D.I. 86, and Second Defense of NS’s Answer to Sarepta’s Counterclaims, D.I. 96.) The grounds for the instant motion are set forth in the accompanying opening brief in support, which is incorporated herein by reference.

Dated: December 11, 2023

Respectfully submitted,

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